

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2559 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHOLARAM N PATEL

Versus

STATE OF GUJARAT

Appearance:

MR RK MISHRA for Petitioners

MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/06/2000

ORAL JUDGEMENT

#. Having heard the learned counsel for the parties, I am satisfied that the petitioners are rank trespassers on the plots where they are putting their cabins and carrying on the business of selling Paan Beedi etc. When

they are rank trespassers, I fail to see any justification in the approach of the petitioners to this court contending that the respondents cannot evict them from the place without taking proceedings under the Gujarat Public Premises (Eviction of Unauthorized Occupants) Act, 1972. In case of eviction of rank trespassers, even notice is not required to be issued and reference here may fruitfully have to the decision of the apex court in the case of Premji Ratansey Shah & Ors. v. Union of India and ors., reported in 1995(5) SCC 547 and that of this court in the case of Anupam Rekdi Cabin Association v. Jamnagar Municipal Corporation, reported in 1995(1) GLH 586.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief earlier granted stands vacated. The petitioners are directed to pay Rs.20/- each per day as charges for use and occupation of the Government land from the date of filing of this writ petition till the date they are removed from the place by the authorities as they continued to occupy it under the court's order. The petitioners are further directed to pay Rs.500/- as costs of this writ petition to the respondents.

.....

(sunil)